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11
12 IN THE UNITED STATES DISTRICT COURT
13
14 EASTERN DISTRICT OF CALIFORNIA

15 UNITED STATES OF AMERICA,

16 Plaintiff,

17 v.

18 TEMMY EDIA,

19 Defendant.

20 CASE NO. 1:21-CR-00130-JLT-SKO AND 1:22-
21 MJ-00176

22 STIPULATION REGARDING EXCLUDABLE
23 TIME PERIODS UNDER SPEEDY TRIAL ACT;
24 ORDER

25 DATE: September 6, 2023

26 TIME: 1:00 p.m.

27 COURT: Hon. Sheila K. Oberto

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30 STIPULATION

31 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
32 through defendant's counsel of record, hereby stipulate as follows:

33 1. By previous order, this matter was set for status on September 6, 2023.

34 2. By this stipulation, defendant now moves to vacate the status conference and set a jury
35 trial date for May 14, 2024, with a trial confirmation on April 8, 2024, and to exclude time between
36 September 6, 2023, and May 14, 2024, under 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4].

37 3. The violation under 1:22-MJ-176 will continue to trail 1:21-CR-130.

38 4. The parties agree and stipulate, and request that the Court find the following:

39 a) The government has represented that the discovery associated with this case
40 includes reports, photographs, and audio files. All of this discovery has been either produced
41 directly to counsel and/or made available for inspection and copying.

42 b) Counsel for defendant was appointed in late 2022, and has needed additional time
43 to further review discovery, discuss potential resolution with his client and the government, and

1 investigate and prepare for trial.

2 c) A plea agreement has been provided to defendant and the parties believe a
3 resolution may be worked out.

4 d) Based on the above-stated findings, the ends of justice served by continuing the
5 case as requested outweigh the interest of the public and the defendant in a trial within the
6 original date prescribed by the Speedy Trial Act.

7 e) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
8 et seq., within which trial must commence, the time period of September 6, 2023 to May 14,
9 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
10 T4] because it results from a continuance granted by the Court at defendants' request on the basis
11 of the Court's finding that the ends of justice served by taking such action outweigh the best
12 interest of the public and the defendants in a speedy trial.

13 f) The parties also agree that the time between now and the trial date is necessary for
14 several reasons, including but not limited to, the need to permit time for the parties to exchange
15 supplemental discovery, engage in plea negotiations, and for the defense to continue its
16 investigation and preparation, pursuant to 18 U.S.C. § 3161(h)(7)(A) and 3161(h)(7)(B)(i) and
17 (iv).

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5. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: August 29, 2023

PHILLIP A. TALBERT
United States Attorney

/s/ STEPHANIE M. STOKMAN
STEPHANIE M. STOKMAN
Assistant United States Attorney

Dated: August 29, 2023

/s/ RICHARD BESHWATE
RICHARD BESHWATE
Counsel for Defendant
TEMMY EDIA

ORDER

IT IS SO ORDERED.

DATED: 8/29/2023

Sheila K. Oberto

THE HONORABLE SHEILA K. OBERTO
UNITED STATES MAGISTRATE JUDGE